REMARKS

Upon entry of this amendment, independent claim 1 with dependent claims 2, 6-9 and 12-19, independent claim 10, and independent claim 11 will be present in the application.

Claims 1, 10 and 11 have been amended to include the limitations of claims 3 and 5, which have been canceled. Claims 1, 10 and 11 have also been amended to recite that the method includes varying a flow of a liquid through a self-priming nozzle to control the cell foam level. Such function is disclosed in the specification on page 2, line 28, through page 3, line 1. Accordingly, the amendment does not introduce any new matter

Claims 1, 2 and 6-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by DE 4429277. Claims 1, 10 and 11 have been amended to recite that the cell comprises a plurality of sub-cells. The Office Action admits that DE 4429277 does not disclose a flotation cell comprising several sub-cells. Accordingly, the rejection under 35 U.S.C. § 102(b) is moot.

Claims 3-5 and 12-19 were rejected under 35 U.S.C. § 103(a) as being obvious over DE '277 in view of U.S. 5,062,964 (Ortner). However, the Applicants respectfully submit that the combination of DE '277 and Ortner will not produce the apparatus recited in the subject claims. Such a combination would produce the set of cells disclosed in Ortner along with the single deinker cell disclosed in DE '277. This combination would comprise several sub-cells, where the liquid level and the foam level in the cell are measured and controlled, but the foam level would **not** be measured in only one sub-cell or only in one part of the sub-cells. As taught by Ortner, the foam level would be measured in the foam chute 5 which extends alongside the long cylinder across several flotation cells. Clearly, Ortner teaches that the foam level is measured outside of the sub-cells, not in a sub-cell. In addition, the combination of the two references would produce an apparatus where the foam level is measured in two locations, outside of the sub-cells as taught by Ortner and within the deinker cell as taught by DE '277.

Claims 1, 10 and 11 have also been amended to recite that the method includes varying a flow of a liquid through a self-priming nozzle to control the cell foam level. Even if a person of ordinary skill in the art were to ignore the teaching of Ortner regarding

measuring the foam level in foam chute, and such person considered the deinker cell of DE '277 to be a sub-cell, the foam level in this cell is not controlled by varying the amount of liquid through a self-priming nozzle. Therefore, it is not possible to carry out the processes recited in claims 1, 10 and 11 by combining the cited references.

The various dependent claims add additional features to the independent claims, and are therefore believed to be allowable. Also, the dependent claims are believed patentably distinct on their own merits as being directed to combinations not suggested by the references.

In view of the above-directed amendments and the proceeding remarks, prompt and favorable reconsideration is respectfully requested.

Respectfully submitted,
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